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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NASH, LASHANYA RENEE

ART UNIT PAPER NUMBER

2153

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/914,733

Applicant(s)

JONES ET AL.

Examiner

LaShanya R. Nash

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5,7 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,7 and 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

This action is in response to an Amendment filed February 22, 2006. Claims 1, 5, 7, and 9-17 are presented for further consideration.

### ***Response to Arguments***

Applicant's arguments, see Remarks, with respect to the rejections of claims 1, 5 and 7-13 under 35 USC 102(e) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection is made in view of newly applied references Russell-Falla et al. (US Patent 6,266,664) and Inakoshi (US Patent 5,933,604).

### ***Claim Objections***

Claims 1, 5, and 15-17 are objected to because of the following informalities: typographical errors.

Claim 1, recites "at least on of" in line 8. Examiner suggests replacing with "at least one of".

Claims 1, 5, and 15-17 recite "data and time" in lines 9 [claim 1], 10-11 [claim 5], and 4 [claims 15-17]. Examiner suggests replacing with "date and time".

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,5,15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "**signal pattern** seen within the content of the transmission" in the aforementioned claims renders the claim indefinite. The term "signal pattern seen within the content of the transmission" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For purposes of prior art rejections, as set forth below, the Examiner interprets the limitation as count of word patters, as discloses in Applicant's specification (page 9).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 5, and 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Russell-Falla et al. (US Patent 6,266,664), hereinafter referred to as Russell-Falla.**

In reference to claim 1, Russell-Falla discloses a method and system for scanning, analyzing, and rating digital content to accurately identify instances of that category within a real-time data stream (abstract; column 2, lines 49-56).

Russell-Falla explicitly discloses:

- An apparatus (i.e. proxy server; Figure 1-item 10; column 4, lines 45-column 5, line 5) for classifying information transmitted over a communication network (i.e. Internet; column 1, line 38- column 2, line 10) into content category classifications (i.e. specific category of information; column 5, lines 5-35), the apparatus comprises:
- A means for (i.e. proxy server) obtaining one or more transmission interaction characteristics (i.e. extracted expressions) in a session of transmission of information (i.e. training data; Figure 2-item 70) between communications terminals on a path of the communications network (column 6, lines 35-64), said one or more transmission interaction characteristics including at least one of a network protocol, data and time stamps, size of text and image transmission activities, content category of transmission activities (i.e. expressions of words and phrases; column 6, lines 35-48), and signal patten seen within the content of the transmission; and

- Analyzing means predicting a content classification of the information (i.e. predictive of the selected type of content; column 6, lines 60-65) based on the one or more transmission interaction characteristics, (i.e. expressions statistically analyzed to determine target attributes that are indicative of a particular type of content; column 6, line 66-column 7, line 37) the content category classification prediction being free of any user input and free of any relevancy as to a particular user (i.e. prediction information accumulated over a large set of training data; column 6, lines 49-65).

In reference to claim 5, Russell-Falla discloses a method and system for scanning, analyzing, and rating digital content so as to potentially block content that is unsuitable or harmful to a specific user (abstract; column 2, lines 57-62). Russell-Fall explicitly discloses:

- An apparatus (i.e. proxy server; Figure 1-item 10; column 4, lines 45-column 5, line 5) for classifying user profiles of users accessing information or content servers (i.e. threshold rating based on user; column 3, lines 10-30) transmitted over a communication network (i.e. Internet; column 1, line 38- column 2, line 10) into content category classifications (i.e. specific category of information; column 5, lines 5-35), the apparatus comprises:

- A means for (i.e. proxy server) obtaining one or more transmission interaction characteristics (i.e. extracted expressions) in a session of transmission of information (i.e. training data; Figure 2-item 70) between user communications terminals on a path of the communications network (column 6, lines 35-64), said one or more transmission interaction characteristics including at least one of a network protocol, data and time stamps, size of text and image transmission activities, content category of transmission activities (i.e. expressions of words and phrases; column 6, lines 35-48), and signal patten seen within the content of the transmission; and
- Analyzing means predicting a content classification of the information (i.e. predictive of the selected type of content; column 6, lines 60-65) based on the one or more transmission interaction characteristics, (i.e. expressions statistically analyzed to determine target attributes that are indicative of a particular type of content; column 6, line 66-column 7, line 37) the content category classification prediction being free of any user input and free of any relevancy as to a particular user (i.e. prediction information accumulated over a large set of training data; column 6, lines 49-65); and
- Means for classifying user profiles in accordance with the predicted content category classification (i.e. user selected threshold level; column 5, lines 35-65).

In reference to claim 7, Russell-Falla shows the apparatus further comprising means for (i.e. database; Figure 4-item 110) storing the one or more transmission interaction characteristics, (column 7, lines 38-45).

In reference to claim 9, Russell-Falla shows the apparatus wherein the one or more transmission characteristics are obtained from network packets or fragments thereof, (i.e. content in real time data stream; column 2, lines 49-52; column 6, lines 38-48).

In reference to claim 10, Russell-Falla shows the apparatus wherein the analyzing means includes profiling means for providing profiles (i.e. collection of training pages) of interactions based on the one or more transmission interaction characteristics, (column 6, lines 49-65).

In reference to claim 11, Russell-Falla shows the apparatus wherein the profiling means is arranged to process the one or more transmission interaction characteristics for providing any one or more of: a frequency of interaction; a duration of interaction; a duration of absence of interaction; patterns of transmission; an average number of http links within an object of related sites; an average number of link sites visited within a time frame; and statistics from the other characteristics for forming interaction profiles (i.e. statistics from frequency of occurrence; column 6, line 67-column 7, line 29); and analyzing means is



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adapted to use the interaction profiles for predicting classifications, (i.e. statistics used to determine target attribute set for predicting a category; column 7, lines 30-60).

In reference to claim 12, Russell-Falla shows the apparatus further comprising a knowledge base of predetermined profiles (pre-existing database; column 5, lines 5-12), and analyzing means is adapted to predict a classification based on a comparison between the profile of information to be classified and predetermined profiles, (i.e. match; column 5, lines 13-20; column 7, lines 19-29).

In reference to claim 13, Russell-Falla shows the apparatus further comprising means for updating the knowledge base so that the classification prediction can be enhanced following classifications, (i.e. as number of training pages increases, the accuracy of weighting data improves; column 7, lines 1-8; column 7, lines 38-60).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell-Falla as applied to claim 1 above, and further in view of Baker et al. (US Patent 5,678,041), hereinafter referred to as Baker.**

In reference to claim 14, Russell-Falla shows the apparatus wherein the communication terminals including at least one content server and at least one user communication terminal and the information is transmitted from the content server to the user communication terminal (i.e. web delivery system; column 1, line 65-column 2, line 10), and classifying according to the classification predicted by the analyzing means (column 2, lines 39-62). Although the reference discloses classifying web pages (i.e. GOOD or BAD; column 7, lines 15-20), Russell-Falla fails to expressly show classifying content servers that provide those aforementioned classified pages. Nonetheless, it would have been obvious to accordingly modify the apparatus, as disclosed by Russell-Falla, for one of ordinary skill in the art at the time of invention as further evidenced by Baker.

In an analogous art Baker discloses classifying (i.e. rating) content servers (i.e. uniform resource locators) in order to regulate network information that is subsequently accessed by users (column 3, lines 6-33; column 5, lines 65 to column 6, line 23; Figure 1-item 116; Figure 2-item 202). Given this feature a person of ordinary skill in the art would have readily recognized the advantages of modifying the aforementioned apparatus as disclosed by Russell-Falla, in order to selectively control network (i.e. Internet) access without impairing the

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users ability to communicate with servers via the network, (column 2, lines 63 to column 3, line 5).

**Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell-Falla as applied to claim 1 above, and further in view of Inakoshi (US Patent 5,933,604), hereinafter referred to as Inakoshi.**

Although Russell-Falla discloses a means for obtaining one or more transmission interaction characteristics (i.e. extracted expressions) in a session of transmission of information (i.e. training data; Figure 2-item 70); and an analyzing means predicting a content classification of the information (i.e. predictive of the selected type of content; column 6, lines 60-65) based on the one or more transmission interaction characteristics, (i.e. expressions statistically analyzed to determine target attributes that are indicative of a particular type of content; column 6, line 66-column 7, line 37); the reference fails to expressly disclose obtaining more than one (i.e. content category of the transmission activities) of the aforementioned transmission interaction characteristics or analysis. Nonetheless, classifying data based on more than one transmission interaction characteristic was well known in the art at the time of the invention, as further evidenced by Inakoshi. Therefore, these limitations would have been obvious modifications to the aforementioned apparatus, as disclosed by Russell-Falla for one of ordinary skill in the art at the time of the invention.

In an analogous art, Inakoshi discloses a system for monitoring network information resources that distribute image and text data (i.e. Internet

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web pages; abstract; column 2, lines 10-19). Inakoshi classifying data (i.e. monitoring destination URL) based on a plurality of transmission interaction characteristics: network protocol, data and time stamps, size of text and image transmission activities, and signal patten seen within the content of the transmission (i.e. time stamp; file size; protocol; column 12, lines-column 13, line 16). One of ordinary skill in the art would have been so motivated to accordingly modify the apparatus of Russell-Falla, so as to further analyze various other digital information elements (i.e. pictures, sound files) contained in web pages that potentially contain objectionable content (Russell-Falla; column 1, lines 50-55; column 2, lines 24-36).

### ***Conclusion***

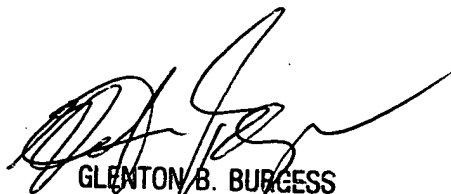
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit, 2153  
March 15, 2006



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